

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - Commercial Taxes Department - Allegation of corruption against Sri G. Nagabhushanam, Assistant Commercial Tax Officer (now Retd), Eluru, West Godavari District - Trapped on 18.5.1993- Prosecuted - Acquitted by the Court of Principal Special Judge for SPE & ACB Cases, Hyderabad - Criminal Appeal filed by the Director General, Anti Corruption Bureau, in the High court of Andhra Pradesh - High Court dismissed the Criminal Appeal - Further action dropped - Regularization of suspension period as 'not on duty' - Orders - Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt. No. 816

**Dated.25.5.2012.
Read the following:**

1. From the DG, ACB, Letter Rc. No. 50/RCT-EWG/1993, dt. 26.5.1993.
2. G.O. Ms. No 1248, Revenue (CT.I) Department, Dt.6.12.1993.
3. Judgment of the Court of the Spl. Judge for SPE & ACB Cases, Vijayawada in CC No.2/1994, dt. 30.6.2004
4. From the DG, ACB, Letter No. 50/RCT-EWG/1993,S13, Dt: 10.11.2004.
5. Govt. Memo. No.42676/Vig. I(2)/2004 -1, Dt:23-11-2004.
6. Orders of the Hon'ble High Court of A.P., in Criminal Appeal No.2591/2004, dt. 24.11.2011.
7. From the DG, ACB, Letter Rc. No. 50/RCT-EWG/1993-S13, dt. 24.03.2012.

ORDER:-

It has been brought to the notice of the Government that Sri G. Nagabhushanam, Assistant Commercial Tax Officer, O/o Deputy Commissioner (Commercial Taxes), West Godavari District was trapped by the officials of Anti Corruption Bureau on 18.5.1993, when he demanded and accepted a bribe of Rs.2,500/- from the complainant Sri T. Krishna, Proprietor of Saroja Enterprises, Gantavari Gudem, Nallajarla Mandal, West Godavari District for doing official favour.

2) And whereas, in the reference 2nd read above, sanction was accorded to the Director General, Anti-Corruption Bureau to prosecute the Accused Officer Sri G. Nagabhushanam, Assistant Commercial Tax Officer, O/o Deputy Commissioner (Commercial Taxes), Eluru, West Godavari District, in a Court of Law.

3) And whereas, in the reference 3rd read above, the Special Judge for SPE & ACB Cases, Vijayawada delivered judgment on 30.6.2004 in CC No.2/1994 and held that the Accused Officer is not found guilty of the charges framed against him under section 7 & 13(1)(d) r/w Sec. 13(2) Prevention of Corruption Act, 1988 and acquitted the Accused Officer, under section 248(1) of Criminal Procedure Code.

4) And whereas, in the reference 4th read above, the Director General, Anti Corruption Bureau had sought for permission for filing an appeal in the High Court of A.P., against the orders of trial court. In the reference 5th read above, Government accorded permission to the Director General, Anti-corruption Bureau to file an appeal in the High Court of A.P against the acquittal judgment, dt: 30.6.2004 of the Special Judge for SPE & ACB Cases, Hyderabad in CC No. 2/1994.

5) And whereas, in the reference 6th read above, the Hon'ble High Court of Andhra Pradesh have dismissed the Criminal Appeal No.2591/2004, dt.24.11.2011 filed by the Director General, Anti Corruption Bureau observing that there is no compelling reason to disagree with the conclusions of the trial court in recording acquittal and confirmed the judgement of the trial court.

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6) In the reference 7th read above, the Director General, Anti Corruption Bureau has opined that there are no grounds to prefer SLP in the Supreme Court of India.

7) Government, after careful consideration of the matter, have decided to drop further action on Sri G. Nagabhushanam, Assistant Commercial Tax Officer (Retd.), since the Hon'ble High Court of Andhra Pradesh dismissed the Criminal Appeal No.2591/2004, dt.24.11.2011 filed by the Director General, Anti Corruption Bureau against the acquittal judgement of the trial court Government also direct that the suspension period of the individual be treated as 'not on duty', since the suspension can not be treated as wholly unjustified, as he was allegedly involved in a prima facie grave criminal case of acceptance of bribe.

8) Accordingly, Government hereby drop further action on Sri G. Nagabhushanam, Assistant Commercial Tax Officer (Retd.) and also order to regularize the suspension period from 02.07.1993 to 07.06.1998 as 'not on duty', since the suspension can not be treated as wholly unjustified. He will be entitled only to subsistence allowance during the above said period. However, in view of his acquittal, the above said period shall count for other benefits i.e., notional increments, pay fixation, qualifying service for promotion, leave etc.,

9) The Commissioner of Commercial Taxes, AP., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G. Nagabhushanam, Assistant Commercial Tax Officer (Retd.,)
O/o Deputy Commissioner (Commercial Taxes), Eluru, West Godavari District.
through Commissioner of Commercial Taxes, A.P. Hyderabad.
The Commissioner of Commercial Taxes, A.P. Hyderabad.
Copy to
The Director General, Anti Corruption Bureau, Hyderabad.
The Secretary to VC, A.P. Vigilance Commission.
The Director of Treasuries & Accounts, AP., Hyderabad.
The Accountant General, AP., Hyderabad.
The Revenue(CT.I) Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.